

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/901,514	07/09/2001	Joseph P. Tunney	47440-041000	7160
75	90 02/24/2004		EXAMINER	
Stephen T. Scherrer			WINTER, GENTLE E	
McDermott, Wi	ll & Emery			
31st Floor	-		ART UNIT	PAPER NUMBER
227 West Monroe Street			1746	
Chicago, IL 60	)606		DATE MAILED: 02/24/2004	ı

Please find below and/or attached an Office communication concerning this application or proceeding.

Vie	Application No.	Applicant(s)	
Advisory Action	09/901,514	TUNNEY ET AL.	
havioory housin	Examiner	Art Unit	
	Gentle E. Winter	1746	
The MAILING DATE of this communication	on appears on the cover sheet w	ith the correspondence address	
THE REPLY FILED 26 January 2004 FAILS TO F Therefore, further action by the applicant is require final rejection under 37 CFR 1.113 may <u>only</u> be ei- condition for allowance; (2) a timely filed Notice of Examination (RCE) in compliance with 37 CFR 1.	ed to avoid abandonment of this ther: (1) a timely filed amendme · Appeal (with appeal fee); or (3)	application. A proper reply to a	
PERIOD F	FOR REPLY [check either a) or I	p)]	
a) The period for reply expires 3 months from the ma			
b) The period for reply expires on: (1) the mailing date no event, however, will the statutory period for repl ONLY CHECK THIS BOX WHEN THE FIRST REF 706.07(f).	y expire later than SIX MONTHS from to PLY WAS FILED WITHIN TWO MONTH	ne mailing date of the final rejection. IS OF THE FINAL REJECTION. See MF	PEP
Extensions of time may be obtained under 37 CFR 1.136 ee have been filed is the date for purposes of determining the ee under 37 CFR 1.17(a) is calculated from: (1) the expiration 2) as set forth in (b) above, if checked. Any reply received by imely filed, may reduce any earned patent term adjustment.	e period of extension and the correspone of date of the shortened statutory period of the Office later than three months afte	ding amount of the fee. The appropriate of for reply originally set in the final Office a	extension
<ol> <li>A Notice of Appeal was filed on <u>26 January 2</u></li> <li>CFR 1.192(a), or any extension thereof (</li> </ol>	<u>2004</u> . Appellant's Brief must be (37 CFR 1.191(d)), to avoid disn	filed within the period set forth in nissal of the appeal.	
<ol><li>The proposed amendment(s) will not be ent</li></ol>	ered because:		
(a) They raise new issues that would requir	e further consideration and/or se	earch (see NOTE below);	
(b) they raise the issue of new matter (see		<b>,</b>	
(c)  they are not deemed to place the applic issues for appeal; and/or	cation in better form for appeal b	y materially reducing or simplifyir	ng the
(d)  they present additional claims without	canceling a corresponding numl	per of finally rejected claims.	
NOTE:			
<ol> <li>Applicant's reply has overcome the following Pool.</li> </ol>	g rejection(s): The art rejections		
		in a agreement time all tile of a control	
canceling the non-allowable claim(s).			
canceling the non-allowable claim(s).	uest for reconsideration has bee		
canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) requapplication in condition for allowance becau	uest for reconsideration has been use:  ed because it is not directed SO	n considered but does NOT place	e the
canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) requapplication in condition for allowance because.  6. The affidavit or exhibit will NOT be considered raised by the Examiner in the final rejection.	uest for reconsideration has bee use: ed because it is not directed SO ndment(s) a)  will not be entere	n considered but does NOT place LELY to issues which were newly ed or b)⊠ will be entered and an	e the
canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) requapplication in condition for allowance because.  6. The affidavit or exhibit will NOT be considered raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amenone.	uest for reconsideration has been use: ed because it is not directed SO . adment(s) a) will not be entered in the provider of the provid	n considered but does NOT place LELY to issues which were newly ed or b)⊠ will be entered and an	e the
canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) requapplication in condition for allowance because.  6. The affidavit or exhibit will NOT be considered raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amered explanation of how the new or amended classes.	uest for reconsideration has been use: ed because it is not directed SO . adment(s) a) will not be entered in the provider of the provid	n considered but does NOT place LELY to issues which were newly ed or b)⊠ will be entered and an	e the
canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) requapplication in condition for allowance because.  6. The affidavit or exhibit will NOT be considered raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amered explanation of how the new or amended claim.  The status of the claim(s) is (or will be) as for Claim(s) allowed: None.	uest for reconsideration has been use: ed because it is not directed SO . adment(s) a) will not be entered in the provider of the provid	n considered but does NOT place LELY to issues which were newly ed or b)⊠ will be entered and an	e the
canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) requapplication in condition for allowance becaused.  6. The affidavit or exhibit will NOT be considered raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amere explanation of how the new or amended claim.  The status of the claim(s) is (or will be) as for Claim(s) allowed: None.  Claim(s) objected to: None.	uest for reconsideration has been use: ed because it is not directed SO . adment(s) a) will not be entered in the provider of the provid	n considered but does NOT place LELY to issues which were newly ed or b)⊠ will be entered and an	e the
canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) requapplication in condition for allowance because.  6. The affidavit or exhibit will NOT be considered raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amered explanation of how the new or amended claim.  The status of the claim(s) is (or will be) as for Claim(s) allowed: None.	uest for reconsideration has been use:  ed because it is not directed SO.  Indment(s) a) will not be entered improved in the provident of the provident	n considered but does NOT place LELY to issues which were newly ed or b)⊠ will be entered and an	e the
canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) requapplication in condition for allowance becaused.  6. The affidavit or exhibit will NOT be considered raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amenexplanation of how the new or amended claim.  The status of the claim(s) is (or will be) as for Claim(s) allowed: None.  Claim(s) objected to: None.  Claim(s) rejected: 1-11,15-17 and 19-21.  Claim(s) withdrawn from consideration: None.	uest for reconsideration has been use:  ed because it is not directed SO .  indment(s) a)  will not be entered improved improved the model of the model.	n considered but does NOT place LELY to issues which were newly ed or b)⊠ will be entered and an ed below or appended.	e the
<ul> <li>5. The a) affidavit, b) exhibit, or c) requapplication in condition for allowance becaused.</li> <li>6. The affidavit or exhibit will NOT be considered raised by the Examiner in the final rejection.</li> <li>7. For purposes of Appeal, the proposed amenexplanation of how the new or amended classification. The status of the claim(s) is (or will be) as for Claim(s) allowed: None.</li> <li>Claim(s) objected to: None.</li> <li>Claim(s) rejected: 1-11,15-17 and 19-21.</li> </ul>	uest for reconsideration has been use:  ed because it is not directed SO .  Indment(s) a)  will not be entered in the provideration would be rejected is providerable.  Dillows:  approved or b)  disapprov	n considered but does NOT place LELY to issues which were newly ed or b) will be entered and an ed below or appended.  ed by the Examiner.	e the

U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03) Continuation of 10. Other: In paper 012604 applicant indicated that applicant was prepared to send a T.D. once the other art rejections were withdrawn. At this time the other art rejections have been withdrawn..

RANDY GULAKOWSKI SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1700